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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,562	08/10/2000	Thomas R. Doty JR.	INT-002	6019

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EXAMINER

EL HADY, NABIL M

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,562

Applicant(s)

DOTY, THOMAS R.

Examiner

Nabil M El-Hady

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2154

1. Claims 1-9 are pending in this application.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner et al. (US 6,421,726), hereafter "Kenner" in view of Applicant Admitted prior Art, hereafter "AAPA".

4. As to claim 1, Kenner discloses the invention substantially as claimed including system for simultaneously distributing a plurality of different video data streams across a network to a plurality of client recipient computers (26, 28, 30, Fig. 1; and col. 5, line 65 to col. 6, line 5), comprising: encoder for encoding digitized data into a plurality of different video data stream formats (inherent in col. 1, lines 60-62; and col. 7, lines 15-18); a smart server (MPS 32, Fig. 1; and col. 9, lines 15-21) determining, when a client recipient computer accesses the system, a video player type residing on the client recipient computer and an optimum video data stream format for the video player of the client recipient computer (col. 7, lines 18-20) and thereafter distributing the optimum video data stream format according to the determination (col. 7, lines 21-24).

Art Unit: 2154

5. Kenner does not specifically disclose activating the system when the client computer accesses the E-mail application. However, it would have been obvious to one skilled in the art at the time of the invention that accessing E-mail through an E-mail application is not functionally different from accessing a hosted web page through browser application. Beside, AAPA discloses E-mail systems that are cable of transmitting video/audio messages (p 6, line 6 to p 8, line 18). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Kenner and AAPA in order not only to insure optimum performance by providing the video with the optimum format (Kenner, col. 5, lines 10-11) but also to save wasted time of transmitting the player with the data (Kenner, col. 5, lines 47-53).

6. As to claim 2, Kenner discloses a digitizer for digitizing video data streams (inherent in col. 1, lines 60-62).

7. As to claim 3, Kenner discloses a means for compressing the digitized data (inherent in 62-64).

8. As to claim 4, Kenner discloses simultaneously transmit a plurality of different video data stream formats to a plurality of client recipient computers at the optimum video data stream format for the video player of each of the client recipient computers (abstract; col. 5, line 65 to col. 6, line 5; and Fig. 1).

9. As to claim 5, Kenner discloses storing at least one of the different video data streams in a memory device and transmits the plurality of various video data streams to video players in the client recipient computers (abstract; col. 5, line 65 to col. 6, line 5; and Fig. 1).

10. As to claims 6 and 7, Kenner discloses receiving data in analog format before digitizing it (col. 1, lines 60-62). However, Kenner does not necessarily disclose receiving live data or storage data. Official notice is taken that the both the concept and advantages of providing the flexibility of using live or stored data then digitizing it to be transmitted is well known and expected in the art. It would have been obvious to one skilled in the art at the time of the invention to expand the functionality of Kenner system making it able to use any of live or stored data.

11. As to claim 9, Kenner discloses distributing a plurality of multiple bit-rate video data streams (inherent in col. 1, lines 60-62; and col. 7, lines 15-18), which contain an audio component (col. 8, lines 45-46).

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner et al. (US 6,421,726), hereafter "Kenner" in view of Applicant Admitted prior Art, hereafter "AAPA" as applied to claims 1-7 and 9 and further in view of Arazi et al. (US 5,966,120), hereafter "Arazi".

13. Arazi et al. is cited by the applicant in IDS No. 2 filed on 11/3/2000.

14. As to claim 8, Kenner and AAPA do not disclose simultaneously distributing a digital calendar data with the video data streams, thereby enabling the calendar data to be displayed simultaneously with the video data stream on the client recipient computers. Arazi, on the other hand, discloses simultaneously distributing auxiliary data of non-real time nature (e.g. digital calendar data) with the video data streams (col. 3, lines 59-64). It would have been obvious to

Art Unit: 2154

one skilled in the art at the time of the invention to expand the functionality of Kenner-AAPA system making it able to include a library of auxiliary data which exists independently of the encoded video data and may need to be selectively distributed to the same set of receivers that receive video programs (Arazi, col. 2, lines 61-67).

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Balasubramaniam et al. (US 6,477,550) ; Kalra et al. (US 5,953,506) ; Dorough (US 6,370,487) ; Stern (US 6,366,914); and Chaddha et al. (US 6,173,317).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (703) 308-7990. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Nabil El-Hady, Ph.D., M.B.A.
Primary Patent Examiner
September 13, 2003